

Serial No.: 10/564,231

Office Action dated: January 28, 2010

Response to Office Action dated: April 28, 2010

## REMARKS

In the Office Action dated January 10, 2010, the Examiner:  
stated that claim 5 contains allowable subject matter.  
objected to Figure 5 for failing to be designated as "Prior Art";  
rejected claims 3-4 and 7 under 35 U.S.C. § 102(b) as being anticipated by  
Figure 5 of the present invention ("Figure 5"); and  
rejected claims 2, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by  
GB Patent No. 2,374,654 A to Allport ("Allport").

Applicants hereby amend claims 3 and 6-8. Claims 2-3 and 6-8 are independent. Claims 2-8 are presented for consideration in light of the following remarks.

The Examiner objected to Figure 5 for failing to be designated as "Prior Art". Applicants respectfully submit that Figure 5 is not prior art. Instead, as described in paragraphs [0003]-[0013] of the Specification, Figure 5 is an isolation damper pulley of a conventional design that illustrates a related technique for applying axial pressure to an elastic member thereof. The illustration is provided as an explanation of the processor by which the inventors obtained the technical idea for the present invention. Applicants respectfully submit, however, that Figure 5 is not an example of a damper pulley known in the prior art. Applicants herein amend the Specification to clarify that the isolation damper pulley of Figure 5 is not prior art. Therefore, Applicants respectfully request that the Examiner's objection be withdrawn.

The Examiner rejected claims 3-4 and 7 under 35 U.S.C. § 102(b) as being anticipated by Figure 5 of the present invention. A rejection under 35 U.S.C. § 102(b) is improper unless a single prior art reference shows or discloses each and every claim recitation.

Regarding claims 3-4, Figure 5 of the present invention does not anticipate the recitations of claim 3 for a number of reasons. First, as discussed above, Figure 5 of the present invention is not prior art. Therefore, Figure 5 cannot possibly anticipate claim 3 of the present invention.

Second, even if Figure 5 did qualify as prior art, which it does not, Figure 5 does not show or disclose *a cylindrical first fitting portion provided to a hub*, as recited in amended claim 3. In particular, the Examiner asserts that disk portion 47 of Figure 5 shows the *first fitting portion*, as recited in claim 3. However, the disk portion 47 is disk shaped, not cylindrical. Thus, Figure 5 does not show or disclose the cylindrical first fitting portion, as recited in amended claim 3.

Therefore, Figure 5 does not qualify as prior art and, even if it did, Figure 5 does not show or disclose each and every recitation of claim 3. Since claim 4 depends directly from claim 3 and includes additional recitations thereto, Applicants respectfully submit that the Examiner's rejection of claims 3-4 under 35 U.S.C. § 102(b) as being anticipated by Figure 5 is improper for at least these reasons, and should be withdrawn.

Regarding claim 7, Figure 5 of the present invention does not anticipate the recitations of claim 7. As discussed above, Figure 5 does not qualify as prior art and, even if it did, Figure 5 does not show or disclose *a cylindrical first fitting portion*, as recited in amended claim 7.

Therefore, Figure 5 does qualify as prior art and, even if it did, Figure 5 does not show or disclose each and every recitation of amended claim 7. Accordingly, Applicants respectfully submit that the Examiner's rejection of claim 7 under 35 U.S.C. § 102(b) as being anticipated by Figure 5 is improper for at least these reasons, and should be withdrawn.

The Examiner rejected claims 2, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by Allport. A rejection under 35 U.S.C. § 102(b) is improper unless a single prior art reference shows or discloses each and every claim recitation.

Prior to addressing the current rejections of claims 2, 6 and 8 in detail, Applicants respectfully submit that the present invention has already been distinguished over the Allport reference, as discussed in the Response dated

March 2, 2010. Accordingly, Applicants respectfully request that the Examiner reconsider the rejection of claims 2, 6 and 8 over Allport, particularly in view of the following additional comments directed to the currently presented rejection of claims 2, 6 and 8.

Regarding claim 2, Allport does not show or disclose each and every recitation of claim 2 for a number of reasons. First, the Examiner asserts that the central portion 6 of Allport shows or discloses the *inside cylindrical portion*, as recited in claim 2. However, Allport does not show or disclose that the central portion 6 is provided to a hub of a damper unit, the hub having a mounting hole for placement on a crankshaft, as recited in claim 2. Instead, the central portion 6 of Allport is shown as a separate and distinct element from the hub (i.e., the hub member 8). In fact, Allport shows that the hub member 8, not the central portion 6, includes an inward extending ring 12 with a central aperture 13 for receiving the drive shaft (i.e., a *mounting hole*) (Allport, Figure 1; p. 4, ll. 6-7). Thus, the central portion 6 of Allport does not show or disclose an inside cylindrical portion, as recited in claim 2.

Second, the Examiner asserts that the hub member 8 of Allport shows or discloses the *cylindrical fitting portion*, as recited in claim 2. However, Allport does not show or disclose that the hub member 8 is *axially press-inserted into said inside cylindrical portion*, as recited in claim 2. As discussed above, Allport shows that the hub member 8 has *a mounting hole for placement on a crankshaft*. Therefore, even if Allport were to show or disclose an *inside cylindrical portion*, which it does not, the *inside cylindrical portion* would be *provided to the hub member 8*.

However, it is not be possible for both: (a) the hub member 8 to be *axially press-inserted into an inside cylindrical portion*, and (b) the *inside cylindrical portion to be provided to the hub member 8*. Thus, the hub member 8 of Allport does not show or disclose a cylindrical fitting portion being axially press-inserted into said inside cylindrical portion, as recited in claim 2.

Third, Allport does not show or disclose that a *cover portion is axially pressed by a pressing portion* and that *the pressing unit applies an axial-directional pre-compression to a second elastic member*, as recited in claim 2. Instead, Allport is directed to an annular elastomeric ring 23 having a plurality of sleeves 28

arranged in the circumferential direction and attached in the width direction of the annular elastomeric ring 23 (Allport, Figures 1 & 2, p. 5, paragraph 1). The sleeves 28 receive rigid projections/studs 30, 31 of the opposing annular members 2, 3, thereby preventing axial pressure from being exerted on the annular elastomeric ring 23. Therefore, Allport does not show or disclose *said cover portion being axially pressed by said pressing portion and said pressing unit applying an axial-directional pre-compression to said second elastic member*, as recited in claim 2.

Fourth, Allport does not show or disclose that *the fixing position of the pressing unit is capable of being adjusted axially with respect to the inside cylindrical portion of the damper unit*, as recited in claim 2. Rather, the lengths of the sleeves 28 and projections/studs 30, 31 of Allport establish a fixed axial distance between the opposing annular members 2, 3. The lengths of the sleeves 28 and projections/studs 30, 31 of Allport are fixed, not adjustable. Thus, Allport does not show or disclose any axial displacement of the opposing annular members 2, 3 is possible. Therefore, Allport does not show or disclose that *a fixing position of the pressing unit is capable of being adjusted axially with respect to the inside cylindrical portion of the damper unit*, as recited in claim 2.

Since Allport does not show or disclose the above-mentioned recitations of claim 2, Allport cannot possibly show, disclose, teach or suggest, the functional capability enabled by said recitations. More specifically, Allport does not have any axial-directional pre-compression due to the existence of the sleeves 28 and the projections/studs 30, 31. This is because sleeves 28 and projections/studs 30, 31 are ordinarily formed of non-elastomeric bodies and, as shown in Figure 2 of Allport, the sleeves 28 and projections/studs 30, 31 of Allport are interposed between the first and second annular members 2, 3. Therefore, the rigidity and placement of the sleeves 28 and projections/studs 30, 31 would render axial-directional compression of the annular elastomeric ring 23 impossible. Thus, Allport does not show, disclose, teach or suggest the functional capability of the recitations of claim 2.

Therefore, Allport does not show or disclose each and every recitation of claim 2 of the present invention. Accordingly, Applicants respectfully submit

that the rejection of claim 2 under 35 U.S.C. § 102(b) as being anticipated by Allport is improper for at least these reasons, and should be withdrawn.

Regarding claim 6, Allport does not show or disclose each and every recitation of amended claim 6. For instance, as discussed above, Allport does not show or disclose a *first fitting portion*, a *third fitting portion* or an element that enables a fixing position, i.e., a *fixing portion*, as recited in amended claim 6.

In addition, Allport does not show or disclose a first fitting portion that is cylindrical, as recited in amended claim 6. In particular, the Examiner asserts that central portion 6 and ring 7 of Allport show or disclose the *first fitting portion*. However, Allport discloses that the central portion 6 and ring 7 are part of disk 4, which is substantially disk shaped, not cylindrical. Thus, Allport does not show or disclose that the first fitting portion is cylindrical, as recited in amended claim 6.

Therefore, Allport does not show or disclose each and every recitation of claim 6. Accordingly, Applicants respectfully submit that the rejection of claim 6 under 35 U.S.C. § 102(b) as being anticipated by Allport is improper for at least these reasons, and should be withdrawn.

Regarding claim 8, Applicants' amended claim 8 recites, *inter alia*, preparing a damper unit including a cylindrical first fitting portion, preparing a pulley unit including a cylindrical portion and a supporting means provided with a second fitting portion, press-inserting axially said second fitting portion into said first fitting portion and fitting coaxially said second fitting portion to said first fitting portion, and press-inserting axially a third fitting portion into said first fitting portion.

Allport does not show or disclose each and every recitation of amended claim 8 for a number of reasons. First, as discussed above, Allport does not show or disclose a *cylindrical first fitting portion*, a *third fitting portion* and *press-inserting axially the fitting portions*, as recited in amended claim 8.

Second, the Examiner asserts that bearing 11 of Allport shows or discloses the *third fitting portion*, as recited in amended claim 8. However, a disc bearing cannot properly be construed as showing or disclosing a fitting portion, in

general, and definitely not in view of the present application's usage of the term "*fitting portion*". Therefore, the bearing 11 of Allport does not show or disclose the *third fitting portion*, as recited in amended claim 8.

Third, the Examiner's assertion of Allport regarding the *first, second and third fitting portions*, as recited in amended claim 8, is improper. In particular, regarding claim 8, the Examiner newly asserts that hub member 8, central portion 6 and ring 7, and bearing 11 of Allport show or disclose the *first, second and third fitting portions*, respectively. The Examiner's new assertion is improper because it is in conflict with the Examiner's prior and current assertion of Allport. For instance, elsewhere in the Office Action dated January 28, 2010, the Examiner asserts that central portion 6 and ring 7 of Allport disclose the *first fitting portion* (see, e.g., the rejection of claim 6). However, regarding claim 8, the Examiner newly asserts that hub member 8 discloses the *first fitting portion*, as recited in claim 8. This is inconsistent and confusing. Also, regarding claim 8, the Examiner newly asserts that central portion 6 and ring 7 of Allport disclose the second fitting portion, as recited claim 8. In addition to being inconsistent and confusing, the Examiner's new assertion of Allport contradicts the Examiner's previous admission that Allport does not show or disclose a second fitting portion (Office Action dated June 22, 2009, p. 7, para. 6).

Further, elsewhere in this Office Action dated January 28, 2010, the Examiner asserts that hub member 8 of Allport discloses the *third fitting portion* (see, e.g., the rejection of claim 6). However, the Examiner newly asserts that bearing 11 of Allport shows or discloses the *third fitting portion*, as recited in amended claim 8.

The Examiner's application of the Allport reference is inconsistent, confusing and even contradicts the Examiner's prior understanding and assertion of the prior art. Thus, Applicants respectfully submit that the Examiner's rejection of claim 8 is improper.

Therefore, Allport does not show or disclose each and every recitation of claim 8. Accordingly, Applicants respectfully submit that the rejection of claim 8 under 35 U.S.C. § 102(b) as being anticipated by Allport is improper for at least these reasons, and should be withdrawn.

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Applicants respectfully submit that nothing in the current Amendment constitutes new matter. Support for the amendments can be found in, at least, paragraph [0046] and Figures 1-4.

Having traversed each and every objection and rejection, Applicants respectfully request claims 2-8 be passed to issue.

Applicants believe that no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, please charge them to Deposit Account 13-0235.

Respectfully submitted,

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